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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
ROBERT JOHNSON)
v) No. 15-0448
PEOPLES GAS LIGHT AND COKE)
COMPANY)
Complaint as to Peoples Gas)
will not grant me service and)
state that I have no)
outstanding balance with them)
in Chicago, Illinois.)

Chicago, Illinois
September 3, 2015

Met pursuant to notice at 10:00 a.m.

BEFORE:

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MR. ROBERT JOHNSON
7957 South Ingleside
Chicago, Illinois
appeared pro se;

1 APPEARANCES: (Cont'd.)

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MR. KOBY A. BAILEY
3 200 East Randolph Street
Suite 2300
4 Chicago, Illinois 60611
appeared for Respondent.

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SULLIVAN REPORTING COMPANY, by
18 Teresann B. Giorgi, CSR
084-000977

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1 I N D E X.

2 Dir. Crx. Re- Re- By

3 Witnesses: dir. crx. dir. crx. Examiner

4 NONE

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8 E X H I B I T S

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10 APPLICANT'S FOR IDENTIFICATION IN EVIDENCE

11 NONE

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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 15-0448.

4 This is a complaint by Robert Johnson
5 versus Peoples Gas Light and Coke Company, as to
6 Peoples Gas will not grant him service and states
7 that he has no outstanding balance with them in
8 Chicago, Illinois.

9 Mr. Johnson, you're appearing without
10 an attorney at this point, is that correct?

11 MR. JOHNSON: Yes.

12 JUDGE RILEY: Just to advise you, you can have
13 an attorney appear for you at any time during the
14 proceeding, but they would have to take the record
15 as they find it. We would not be able to go back
16 and start over.

17 MR. JOHNSON: Okay.

18 JUDGE RILEY: And the address that you're
19 complaining about is actually 7957 South Ingleside
20 in Chicago?

21 MR. JOHNSON: Yes.

22 JUDGE RILEY: All right. Mr. Bailey, would you

1 enter an appearance for Peoples Gas?

2 MR. BAILEY: Certainly.

3 Koby Bailey on behalf of Peoples
4 Gas Light and Coke Company, 200 East Randolph,
5 Suite 2300, Chicago, Illinois 60601, telephone
6 number is 312-240-4081.

7 JUDGE RILEY: Thank you.

8 And, Mr. Johnson, essentially you're
9 saying that --

10 MR. JOHNSON: Since then it's been resolved.

11 JUDGE RILEY: I'm sorry?

12 MR. JOHNSON: Since then my complaint has been
13 resolved as far as me getting service at that
14 location.

15 JUDGE RILEY: Oh, you do have service from
16 Peoples Gas?

17 MR. JOHNSON: Yes.

18 MR. BAILEY: One of our concerns, Mr. Johnson,
19 is we don't have an account set up in your name
20 although I know the gas is on. But our central
21 problem here in keeping that service with your name
22 on it is the deed holder, according to Cook County,

1 is Saber Investments and you're not Saber
2 Investments --

3 MR. JOHNSON: No.

4 MR. BAILEY: -- and I don't have any agency
5 letter from Saber Investments saying, you know,
6 "Dear Mr. Johnson, please act on our behalf."

7 And, meanwhile, there's an open case
8 in Cook County regarding possession of the property.

9 MR. JOHNSON: Which -- yeah, my attorney -- I
10 have a lawyer resolving that situation. Saber
11 bought the taxes but we're in court now to be
12 redeemed based on -- that's something my attorney is
13 dealing, which your office was faxed --

14 MR. BAILEY: Right.

15 JUDGE RILEY: That's Savory Investments?

16 MR. BAILEY: Saber.

17 MR. JOHNSON: The tax buyer who bought the
18 taxes. Now they put in the deed to be transferred,
19 which -- I was in Chapter 11 --

20 MR. BAILEY: And the challenge we have right now
21 by getting you as the accountholder of record is,
22 you're not authorized. I mean -- I have -- from my

1 perspective, I'm looking at it and I have a deed in
2 Saber's name. You have outstanding litigation with
3 Saber in Cook County. And I don't have an agency
4 letter saying, you know, "Mr. Johnson is going to
5 operate on Saber's behalf."

6 So, it would be like me coming into
7 the building saying, "Oh, I want to set it up in my
8 name as a commercial account," but I don't have any
9 tie -- do you understand -- I'm struggling here on
10 how to figure this out.

11 MR. JOHNSON: Yeah, I can understand. But based
12 on the fact that -- yeah, they transferred the deed,
13 but the legal documents -- I'm in court and it
14 states they don't have possession of --

15 MR. BAILEY: Right.

16 MR. JOHNSON: -- it's still in Robert Johnson --
17 they just changed my deed, which was something that
18 shouldn't transpire at the time. But they hadn't
19 sent the paperwork out, so. . .

20 JUDGE RILEY: Just for my understanding, do you
21 own -- are you saying --

22 MR. JOHNSON: Yes.

1 JUDGE RILEY: You are the owner of the property?
2 MR. JOHNSON: I am the owner. I'm still
3 responsible --
4 JUDGE RILEY: Wait. You're the owner at
5 7957 South Ingleside.
6 MR. JOHNSON: Yes, sir.
7 JUDGE RILEY: You're name is on the deed?
8 MR. JOHNSON: Well, not -- it's in transfer.
9 Somebody changed it from off the deed, but I'm still
10 liable for the property and I've still been taking
11 care of the property, maintaining it.
12 JUDGE RILEY: You say the deed is in the name of
13 Saber Investments.
14 MR. BAILEY: In Saber Investments.
15 JUDGE RILEY: But you still are living there?
16 MR. JOHNSON: Yes, I'm still maintaining the
17 property. It's a 12-unit building, which I still
18 have all the utilities in my name -- transferred --
19 other than this one. I was having issues with the
20 gas company. But I'm still liable for the tenants.
21 I'm still liable for the property. Because I'm in
22 court, I still have possession of the property.

1 Otherwise it wouldn't be no purpose for me to want
2 to --

3 MR. BAILEY: Yeah. Yeah.

4 MR. JOHNSON: I don't want to pay for something
5 I don't have possession of.

6 MR. BAILEY: Right.

7 JUDGE RILEY: How did the name -- how did the
8 deed get switched to Saber Investments. Do you have
9 any idea?

10 MR. BAILEY: It looks -- you know, just going
11 back through -- getting on the Cook County's site
12 and walking through this -- and I've reached out to
13 Saber Investments to discuss this also, because this
14 seems to be fairly unusual.

15 MR. JOHNSON: Yeah.

16 MR. BAILEY: And it looks like there was a tax
17 sale a while back. There was a Legacy Management
18 involved where there was a transfer from you to
19 Legacy, it looks like.

20 MR. JOHNSON: The management company.

21 MR. BAILEY: The management company.

22 And then we have a Christopher White

1 in here. And it looks almost like there was a tax
2 sale at some time and Saber Investments purchased
3 and owns the property and -- because they have the
4 deed on file and there's currently this open docket
5 in Cook County, 2013 CoD -- I forget the last few
6 numbers -- where you're in court on October 15th?

7 MR. JOHNSON: Yeah, yeah, coming up,
8 October 15th.

9 MR. BAILEY: So, motions have been filed but it
10 looks -- is that a bench hearing or is that motions
11 because it looked like there's a series of status.

12 MR. JOHNSON: I want to say it's set for
13 hearing.

14 MR. BAILEY: Okay. Hearing on October 15th.

15 So, our challenge here is, I'm -- just
16 looking at the document path, I can't -- I'm having
17 difficulty saying, "Well, you don't own it," and
18 nobody is saying the owner is somebody else and I've
19 got this other company -- I've got this Saber
20 Investments, who I've reached out to and I haven't
21 gotten a return call, that's sort of authorized
22 giving you agency to operate it.

1 MR. JOHNSON: I sent you something from the
2 court --

3 MR. BAILEY: Yeah.

4 MR. JOHNSON: -- stating -- which clearly states
5 that they're not holding possession of the
6 property --

7 MR. BAILEY: Right.

8 MR. JOHNSON: -- because they're -- they don't
9 have ownership of the property. I still have
10 ownership. I wouldn't sit here and try to put gas
11 and pay money for something I really don't own.

12 JUDGE RILEY: If saber Investments is the name
13 on the deed --

14 MR. BAILEY: Yeah.

15 JUDGE RILEY: I mean, are they --

16 MR. JOHNSON: They're not doing --

17 JUDGE RILEY: -- are they still allowing you to
18 live there?

19 MR. JOHNSON: Yes, I'm still collecting rent.
20 I'm still maintaining the property. They don't have
21 possession of the property. That's the whole
22 problem.

1 JUDGE RILEY: They just have their name on the
2 deed.

3 MR. JOHNSON: They have the name on the deed,
4 but they don't have possession of the property. I
5 still own -- it's a 12-unit building. I still hold
6 possession of the property. I'm still liable for
7 the water bills --

8 JUDGE RILEY: You're still collecting the rents?

9 MR. JOHNSON: Still collecting the rent. I'm
10 the one that got to pay the bill.

11 MR. BAILEY: I've also reached out to Steve
12 McKinsey (phonetic) over at the City of Chicago who
13 works in the Buildings Department just to try to get
14 his input, if he has any understanding related to
15 this property or --

16 MR. JOHNSON: I've resolved with Steve McKinsey
17 all the --

18 MR. BAILEY: Yeah. Yeah. Yeah.

19 JUDGE RILEY: With regard to the gas account,
20 you said that it has been set up?

21 MR. BAILEY: There's no -- the gas is on but
22 there's no accountholder of record.

1 JUDGE RILEY: I see.

2 MR. BAILEY: So, that's why I need to --

3 JUDGE RILEY: So, that would be for

4 Mr. Johnson's individual unit or is that a

5 building --

6 MR. BAILEY: I's a building meter.

7 MR. JOHNSON: So, why would I not want to be

8 liable for it? I'm eligible to be liable --

9 MR. BAILEY: But it looks like Saber Investments

10 has title to the property. They have the legal

11 authority over the building. So, that's where I'm

12 having the challenge here.

13 JUDGE RILEY: And you've been in contact with

14 counsel for Saber?

15 MR. BAILEY: I've reached out to Saber --

16 JUDGE RILEY: All right.

17 MR. BAILEY: -- they have not returned my call

18 yet.

19 JUDGE RILEY: All right. I think -- it seems to

20 me it would be very premature to set a hearing date

21 for this. I'm not sure what -- there's too many

22 unanswered questions.

1 MR. BAILEY: Yeah.

2 JUDGE RILEY: I don't know if they'd be answered
3 at hearing or not.

4 MR. BAILEY: I'm going to need something from
5 Sa- -- I'll need something from Cook County after
6 the October 5th date, an agency letter --

7 MR. JOHNSON: Is it the 5th or the 15th?

8 MR. BAILEY: It's the 15th.

9 MR. JOHNSON: You said the 5th.

10 MR. BAILEY: Oh, I'm sorry. I'm sorry. The
11 15th.

12 But the deed holder is Saber, that's
13 really where I'm challenged in this whole process.

14 MR. JOHNSON: So, what's going to happen, I'm
15 going to leave here, I'm going to phone my attorney,
16 get to the Daley Center, get an emergency order so
17 they can -- something from the court stating that
18 they -- we can have service established, I'm still
19 the --

20 MR. BAILEY: Yeah, currently you're not the
21 accountholder of record, which is our --

22 JUDGE RILEY: So, there's no name on the

1 account.

2 MR. BAILEY: There's no name on the account.

3 The gas is flowing to the building, but I've got to
4 have -- I'm going to need an accountholder of
5 record, either that or I've got to -- I've got to
6 cut -- that's why I need Saber -- or some document
7 that says who's --

8 JUDGE RILEY: That actually brings the validity
9 of the complaint into question, if there's no
10 accountholder.

11 MR. BAILEY: Yeah.

12 MR. JOHNSON: We went through the situation --
13 Robert Johnson clearly when I filed for service -- I
14 don't know when -- during the time the deed being
15 transferred during my bankruptcy scenario situation.
16 But somehow, you know, this deed transferred thing
17 done illegally, which is being resolved, which I've
18 sent you the paperwork, once again, from my
19 attorneys. The problem is I'm not -- to establish
20 gas at the residence that I don't live there, you
21 know, which I own the property, I pay the water bill
22 there, maintenance, everything else that goes on

1 with this property. I had previous gas there in the
2 past with this same property. I established gas
3 before I went and tried to have the management take
4 over and manage the property. So, I don't
5 understand coming back to establish something, but I
6 know you --

7 MR. BAILEY: Yeah, but I've got this owner --
8 and I appreciate it, but I have an owner -- I have a
9 deed --

10 MR. JOHNSON: A tax owner that bought the taxes.
11 The paperwork that I gave you, they're not the
12 owner. They don't have ownership. I'm liable.
13 Anything that happens with that property, I'm still
14 liable, not Saber Investments, Robert Johnson.

15 MR. BAILEY: Yeah.

16 MR. JOHNSON: So, if I don't provide them with
17 the proper utilities, when I go to court -- I sent
18 you the paperwork that shows where the deed and that
19 situation is going to have to be rectified, that's
20 why we're going for a bench trial.

21 I don't know, do I need to seek
22 counsel with this or what is the case?

1 MR. BAILEY: Yeah. I can't advise you on
2 whether to seek counsel or not.

3 But the challenge is, there's a
4 deed -- there's a recorded deed. I don't have sort
5 of a management agreement between the deed holder
6 and you. The contention -- the challenge in Cook
7 County that you sent us, but I don't have a judicial
8 resolution that says well, no, it's not you, it's
9 them or it's them, not you.

10 MR. JOHNSON: Somebody wants to be liable for
11 paying gas, for the service -- I mean, truly if I
12 wasn't the owner I wouldn't be sitting here for you
13 trying to pay us a bill (sic). I'm just not
14 interested in doing it. But I got a liability with
15 the tenants that I have leases with.

16 JUDGE RILEY: My inclination is to continue this
17 past the October 15th date, see what shakes out
18 there and see if we can get some answers to some of
19 these questions, why Saber Investments is on the
20 deed and --

21 MR. BAILEY: Yeah.

22 Like I said, I've reached out to

1 Saber, their general counsel, waiting for a call
2 back, talk to Steve McKinsey at the City to see what
3 kind of light he can shed on the situation.

4 JUDGE RILEY: All right. This matter has a one
5 year deadline, but we still have 11 months to work
6 with.

7 MR. BAILEY: Right.

8 JUDGE RILEY: What I'm going to do is -- my
9 inclination is to set it for the latter half of
10 October.

11 MR. BAILEY: Okay.

12 JUDGE RILEY: Is Tuesday, October 20 okay?

13 MR. BAILEY: It probably is.

14 MR. JOHNSON: I will be out of town that week,
15 the third week of October.

16 MR. BAILEY: I'm actually good the last week of
17 October.

18 JUDGE RILEY: Want to do it on the 27th?

19 MR. JOHNSON: Great. Great.

20 MR. BAILEY: Sure. Let's do that, October 27th.

21 JUDGE RILEY: It will be for a status and we'll
22 convene at that time and find out what we've

1 learned. That will give us the better part of two
2 months.

3 MR. BAILEY: Hopefully we can get some more
4 information by then. What I need is to reach out to
5 Saber Investments because the gas is on. We have to
6 do our due diligence and it's prudent that if the
7 gas -- if nobody is our accountholder of record for
8 that gas, it would be prudent -- we have to take
9 prudent actions for the company because
10 uncollectibles do get charged to the ratepayers.

11 MR. JOHNSON: I understand.

12 MR. BAILEY: I would love to --

13 MR. JOHNSON: We are going to get resolved. I
14 guarantee.

15 JUDGE RILEY: I'll continue this matter for
16 status to October 27th. It will again be at
17 10:00 a.m. And the Chief Clerk's Office will send a
18 notice advising the parties.

19 If there's nothing further, we're
20 continued.

21 (The matter was continued
22 to October 27th, 2015.)